Res Ipsa Loquitur.—Plaintiff was injured by an electric shock received from one of the poles of defendant's trolley system. The New York Supreme Court in Moglia *v.* Nassau Elec. R. Co., 111 New York Supplement, 70, held that a prima facie case was made, and the trial court committed no error in failing to submit the issue of negligence to the jury, where the defendant offered no evidence, and the lower court instructed the jury that the fact of the accident called for an explanation, and as none was offered the verdict should be for plaintiff. Defendant contended that the jury was not bound to believe plaintiff, but should be free to determine whether he was injured in the manner shown, and, if the doctrine of res ipsa loquitur was applicable, the inference of negligence was for the jury.

This case is clearly distinguishable from Peters *v.* Lynchburg, etc., Light Co., 14 Va. Law Reg. 409, because here the evidence showed that the defective appliance was under the control and management of the defendant and not the plaintiff as in the Peters case.

Death as Ground of Abatement of Contempt Proceeding.—In Wasserman *v.* United States, 161 Federal Reporter, 722, the United States Circuit Court of Appeals decided that the fine of one found guilty of contempt who sued out a writ of error to reverse the judgment, but died before the submission of the case to the higher court, should be considered as a charge against the estate, and that the action did not abate by death.

Who Is an "Indorser."—By the express provisions of Revisal 1905, §§ 2212, 2213, 2219, 2239, one indorsing a note in blank before delivery, without indicating his intention to be bound otherwise, is an "indorser," who, not being given notice of nonpayment and dishonor, is discharged. Perry *v.* Taylor, 62 S. E. 423.

John Armstrong Chanler's (Chaloner's) Case.—Plaintiff had been adjudged insane by the Supreme Court in New York, ordered committed to an asylum, and later the court appointed a committee of his person and property. Subsequently he escaped, and took up his residence in Virginia, where he was adjudged sane. He instituted an action setting up the decree of the Virginia court and demanding damages from his committee in New York for conversion of his property. Defendant alleged in the main action that petitioner was insane and that the Virginia judgment was void. Petitioner's presence was necessary at the main trial in New York, and, as he was in danger of being incarcerated there, he asked for an order protecting him while in attendance at trial. In Chanler *v.* Sherman, 162 Federal Reporter 19, the United States Circuit Court of Appeals, referring to the peculiar predicament in which petitioner is placed, and that

unless relief is granted he must either abandon his action for a quarter of a million dollars or run the risk of losing his liberty, instructed the Circuit Court to issue a writ of protection prohibiting apprehension of petitioner during the time necessary for him to attend trial.

MISCELLANY.

Wager of Battle in the Year-Books.—The new volume of Year-Books (20 Edward III), edited by Mr. Owen Pike, contains a curious account of the manner of joining the wager of battle on a writ of Right. The matter in controversy was ten acres of meadow-land. The tenant in possession—A—meets the claim with a precise point-blank denial, and says he will deny it "by the body of his freeman, one H. by name, who is here ready to deny it by his body or in whatsoever way the Court shall adjudge." "And A.'s champion was bareheaded and with his sleeves unfastened, and his sleeves were turned up on his arms, and he had in his right hand a glove folded, and in each finger of the glove there was one penny, and he proffered the glove to the Court," but he did not throw it into the Court until the other party had joined the wager of battle. The claimant's champion in due course threw forward a glove folded, and then the tenant's champion threw forward his glove, and the Court accepted both, taking pledges of claimant and tenant that they would carry out the battle, and that neither of the champions should injure or molest the other either secretly or openly, which pledges they gave. Then the gloves were redelivered to the champions, and the parties were told that they must pay strict attention to the champions, and keep their day (of battle) on the morrow of All Souls. The explanation of the five pennies in each glove was a religious one. They were to be afterwards offered in honour of the Saviour's five wounds, so that God might allow the victory to be given to the champion who had right on his side. It is this appeal to Heaven to defend the right in the wager of battle which saves its character as a judicial proceeding. It is really the old ordeal adapted to a martial age—not fire or water the test, but arms. There is another, somewhat amusing, case in the same volume illustrating the wager of battle. A citizen of London appealed one of robbery. The appellee denied the charge, and offered to deraign or prove his denial by his body. Then the citizen of London seems to have thought better of it, and pleaded the privilege of the citizen of London never to have battle waged against any one of them in relation to a felony. The appellee insisted that the appellor had gone too far to go back, and claimed judgment of battle. Thereupon the citizen made an adroit move in the game by getting the citizens of London to intervene and urge that he could